

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

STREAMBEND PROPERTIES III, LLC and
STREAMBEND PROPERTIES IV, LLC,

Plaintiffs,

v.

ORDER

Civil File No. 10-4745 (MJD/SER)

SEXTON LOFTS, LLC, et al.,

Defendants.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Steven E. Rau, dated March 27, 2017. Plaintiffs filed objections to the Report and Recommendation.

Pursuant to statute, the Court has conducted a de novo review upon the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court adopts the Report and Recommendation of United States Magistrate Judge Rau dated March 27, 2017.

Plaintiffs have also submitted a Motion to Strike Portions of Defendants' Response to Objections [Docket No. 352] on the grounds that Defendants used four pages of their Response to Plaintiffs' Objections to discuss the level of

deference the Court should give to the Consumer Financial Protection Bureau (“CFPB”) materials relied upon by Plaintiffs. Plaintiffs claim that this issue was not argued in their Objections. In Plaintiffs’ Objections, they appear to argue that the CFPB is a “precedent-setting body” and that the CFPB’s construction of a statute is “authoritative.” (Objections at 3-4.) In any event, the Court did not rely on Defendants’ discussion of the level of deference required in reaching its decision. As stated in the Report and Recommendation, and adopted by this Court, because there was no change in the law, the Court need not reach the question of the level of deference owed to the CFPB’s interpretation of a change in the law. (See Report and Recommendation at 9 n.22.) Thus, the Court denies the motion to strike.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. The Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Steven E. Rau, dated March 27, 2017 [Docket No. 348].
2. Plaintiffs’ Motion for Relief from Judgment [Docket No. 332] is **DENIED**.
3. Plaintiffs’ Motion for Substitution of Parties [Docket No. 345] is **DENIED**.

4. Plaintiffs' Motion to Strike Portions of Defendants' Response to Objections [Docket No. 352] is **DENIED**.

Dated: May 15, 2017

s/ Michael J. Davis

Michael J. Davis

United States District Court